

2020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-20012-CIV-WILLIAMS

UNITED STATES OF AMERICA  
ex rel. Chionesu Sonyika et al.,

Plaintiffs,

v.

ApolloMD, Inc. et al.,

Defendants.

FILED BY *Ja* D.C.

JUL 08 2019

ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - MIAMI

**FILED UNDER SEAL**

**UNITED STATES OF AMERICA'S NOTICE  
OF ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action. The States of Florida, Georgia, Indiana, Iowa, and Tennessee have asked that the United States also notify the Court of their election not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

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Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's Complaint, the Government's motions for extension of time, this Notice, and the Court's prior orders be unsealed. The United States requests that the Government's memoranda of law in support of its motions for extension of time remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Dated: July 8, 2019

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused to be filed the foregoing sealed document with the Clerk of Court on July 8, 2019. I also certify that the foregoing document is being served this day on all counsel of record identified below via first class U.S. mail.

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